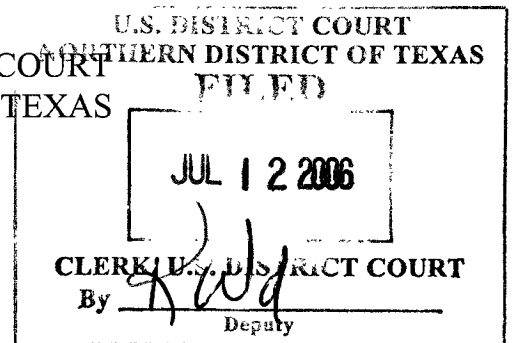


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION



UNITED STATES OF AMERICA

V.

JOSHUA HEATH ZUNIGA

§
§
§
§
§

5-06CR0067-C

The Grand Jury Charges:

Count 1
(Enticement of a Child)
Violation of 18 U.S.C. §§ 2422(b) and 2

From in or about June, 2005, through in or about December, 2005, in the Lubbock Division of the Northern District of Texas, and elsewhere, defendant **Joshua Heath Zuniga** did knowingly, by means of the Internet and by telephone, both facilities and means of interstate and foreign commerce, persuade, induce, and entice Jane Doe, and attempt to do so, an individual who had not attained the age of eighteen (18) years, to engage in sexual activity for which **Zuniga** could be charged with a criminal offense.

All in violation of Title 18, United States Code, Sections 2422(b) and 2.

Count 2
(Production of Child Pornography)
Violation of 18 U.S.C. §§ 2251(a) and 2

Between on or about November 24, 2005, and December 5, 2005, in the Lubbock Division of the Northern District of Texas, and elsewhere, **Joshua Heath Zuniga**, defendant, did use, persuade, induce, and entice, and attempt to do so, Jane Doe, a person under the age of eighteen (18) years, to engage in sexually explicit conduct, that is, the lascivious exhibition of the genitals and pubic area of said child, for the purpose of producing a visual depiction of such conduct; that is, a video, approximately 1 minute, 52 seconds in duration, depicting Jane Doe dancing nude in her bedroom, and which visual depiction was produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce; which visual depiction **Zuniga** knew, and had reason to know, would be transported in interstate and foreign commerce; and which visual depiction was actually transported in interstate and foreign commerce.

All in violation of Title 18, United States Code, Sections 2251(a) and 2.

Count 3
(Production of Child Pornography)
Violation of 18 U.S.C. §§ 2251(a) and 2

Between on or about November 24, 2005, and December 5, 2005, in the Lubbock Division of the Northern District of Texas, and elsewhere, **Joshua Heath Zuniga**, defendant, did use, persuade, induce, and entice, and attempt to do so, Jane Doe, a person under the age of eighteen (18) years, to engage in sexually explicit conduct, that is, the lascivious exhibition of the genitals and pubic area of said child, for the purpose of producing a visual depiction of such conduct; that is, an image depicting a close-up of said child's genitals and hand, and which visual depiction was produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce; which visual depiction **Zuniga** knew, and had reason to know, would be transported in interstate and foreign commerce; and which visual depiction was actually transported in interstate and foreign commerce.

All in violation of Title 18, United States Code, Sections 2251(a) and 2.

Count 4
(Production of Child Pornography)
Violation of 18 U.S.C. §§ 2251(a) and 2

Between on or about November 24, 2005, and December 5, 2005, in the Lubbock Division of the Northern District of Texas, and elsewhere, **Joshua Heath Zuniga**, defendant, did use, persuade, induce, and entice, and attempt to do so, Jane Doe, a person under the age of eighteen (18) years, to engage in sexually explicit conduct, that is, the lascivious exhibition of the genitals and pubic area of said child, for the purpose of producing a visual depiction of such conduct; that is, an image depicting a close-up of said child's genitals, and which visual depiction was produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce; which visual depiction **Zuniga** knew, and had reason to know, would be transported in interstate and foreign commerce; and which visual depiction was actually transported in interstate and foreign commerce.

All in violation of Title 18, United States Code, Sections 2251(a) and 2.

Count 5
(Transportation of Child Pornography)
Violation of 18 U.S.C. §§ 2252A(a)(1) and 2

Between on or about November 24, 2005, and December 5, 2005, in the Lubbock Division of the Northern District of Texas, and elsewhere, **Joshua Heath Zuniga**, defendant, did knowingly cause child pornography to be transported in interstate and foreign commerce, that is, a computer video he requested from Jane Doe, a child under the age of eighteen (18) years, depicting said child engaging in sexually explicit conduct, specifically, lascivious exhibition of the genitals and pubic area of said child, said video, approximately 1 minute, 52 seconds in duration, depicting Jane Doe dancing nude in her bedroom, and which video file was transported by way of the Internet from a computer located in Lubbock County, Texas.

In violation of Title 18, United States Code, Sections 2252A(a)(1) and 2.

Count 6
(Transportation of Child Pornography)
Violation of 18 U.S.C. §§ 2252A(a)(1) and 2

Between on or about November 24, 2005, and December 5, 2005, in the Lubbock Division of the Northern District of Texas, and elsewhere, **Joshua Heath Zuniga**, defendant, did knowingly cause child pornography to be transported in interstate and foreign commerce, that is, a computer image he requested from Jane Doe, a child under the age of eighteen (18) years, depicting said child engaging in sexually explicit conduct, specifically, lascivious exhibition of the genitals and pubic area of said child, said image depicting a close-up of said child's genitals and hand, and which computer image was transported by way of the Internet from a computer located in Lubbock County, Texas.

In violation of Title 18, United States Code, Sections 2252A(a)(1) and 2.

Count 7
(Transportation of Child Pornography)
Violation of 18 U.S.C. §§ 2252A(a)(1) and 2

Between on or about November 24, 2005, and December 5, 2005, in the Lubbock Division of the Northern District of Texas, and elsewhere, **Joshua Heath Zuniga**, defendant, did knowingly cause child pornography to be transported in interstate and foreign commerce, that is, a computer image he requested from Jane Doe, a child under the age of eighteen (18) years, depicting said child engaging in sexually explicit conduct, specifically, lascivious exhibition of the genitals and pubic area of said child, said image depicting a close-up of said child's genitals, and which computer image was transported by way of the Internet from a computer located in Lubbock County, Texas.

In violation of Title 18, United States Code, Sections 2252A(a)(1) and 2.

Count 8
(Possession of Child Pornography)
Violation of 18 U.S.C. §§ 2252A(a)(5)(B) and 2

Between on or about December 7, 2005, and on or about December 27, 2005, in the Dallas Division of the Northern District of Texas, and elsewhere, **Joshua Heath Zuniga**, defendant, did knowingly possess, and attempt to possess, a Lexar 128 MB flash drive, number JDE128-04-500, that contained one or more images of child pornography, as defined in 18 U.S.C. 2256(8)(A), that had been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer, and that was produced using materials that had been mailed or shipped or transported in interstate or foreign commerce by any means, including by computer, and which flash drive included a video file, approximately 1 minute, 52 seconds in duration, depicting Jane Doe dancing nude in her bedroom, and which video of child pornography depicts a female child under the age of eighteen (18) years, engaging in sexually explicit conduct, specifically: lascivious exhibition of the genitals and pubic area of said child.

In violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2.

REDACTED

RICHARD B. ROPER
UNITED STATES ATTORNEY



STEVEN M. SUCSY

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Fax: 806.472.7394

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

JUL 12 2006

CLERK, U.S. DISTRICT COURT

By _____
Deputy

THE UNITED STATES OF AMERICA

VS.

5-06CR0067-C

JOSHUA HEATH ZUNIGA

INDICTMENT

18 U.S.C. § 2422(b),
Enticement of a Child (1 count);

18 U.S.C. § 2251(a),
Production of Child Pornography (3 counts);

18 U.S.C. § 2252A(a)(1),
Transportation of Child Pornography (3 counts);

18 U.S.C. § 2252A(a)(5)(B),
Possession of Child Pornography (1 count)

A true bill rendered,

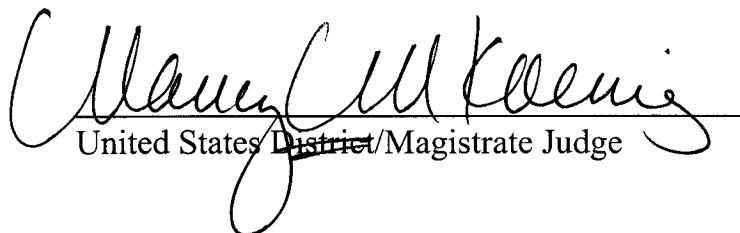
LUBBOCK, TEXAS

REDACTED

Filed in open court this 12th day of July, A.D. 2006

Clerk

Criminal Complaint Filed June 16, 2006, 5:06-MJ-055.


United States District Magistrate Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

Related Case Information

Superseding Indictment: ☐ Yes ☒ No New Defendant: ☐ Yes ☐ NoPending CR Case in NDTX: ☐ Yes ☒ No If Yes, number: _____

Search Warrant Case Number _____

Mag 5:06-MJ-055

5-06CR0067-C

1. Defendant Information

Juvenile: ☐ Yes ☒ No

If Yes, Matter to be sealed:

☐ Yes ☐ NoDefendant Name Joshua Heath Zuniga

Alias Name _____

Address _____

REDACTED

County in which offense was committed: Lubbock, Dallas

2. U.S. Attorney Information

AUSA STEVEN M. SUCSYBar # TX 19459200

3. Interpreter

☐ Yes ☒ No If Yes, list language and/or dialect: _____

4. Location Status

Arrest Date _____

☐ Already in Federal Custody as of _____ in _____☐ Already in State Custody☐ On Pretrial Release

5. U.S.C. Citations

Total # of Counts as to This Defendant: 8 ☐ Petty ☐ Misdemeanor ☒ Felony

Citation	Description of Offense Charged	Count(s)
<u>18 USC 2422(b)</u>	<u>Enticement of a Child</u>	<u>1</u>
<u>18 USC 2251(a)</u>	<u>Production of Child Pornography</u>	<u>2, 3, 4</u>
<u>18 USC 2252A(a)(1)</u>	<u>Transportation of Child Pornography</u>	<u>5, 6, 7</u>
<u>18 USC 2252A(a)(5)(B)</u>	<u>Possession of Child Pornography</u>	<u>8</u>

(May be continued on reverse)

Date 7-11-06Signature of AUSA: Steven M. Sucsy